

ANDY BESHEAR  
GOVERNOR



REBECCA W. GOODMAN  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

Division of Waste Management  
625 Hospital Dr  
Madisonville, KY 42431  
[WWW.KENTUCKY.GOV](http://WWW.KENTUCKY.GOV)  
July 31, 2020

Certified No. 7009 0080 0001 5794 5854  
Return Receipt Requested

Ensign-Bickford Aerospace & Defense Co  
Attn: Cary Franklin  
500 Bickford Rd  
Graham, KY 42344

Re: Notice of Violation  
AI ID: 40689  
AI Name: Ensign-Bickford Aerospace &  
Defense Co  
Activity ID: ENV20200002  
Muhlenberg County, KY

Dear Ensign-Bickford Aerospace & Defense Co:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 270-825-7504.

Sincerely,

A handwritten signature in blue ink, appearing to read "Curtis Scott", written over a horizontal line.

Curtis Scott,  
Environmental Scientist  
Division of Waste Management

Enclosure

**COMMONWEALTH OF KENTUCKY**  
**Energy and Environment Cabinet**  
**Department for Environmental Protection**  
**Division of Waste Management**

**NOTICE OF VIOLATION**

**To:** Ensign-Bickford Aerospace & Defense Co  
500 Bickford Rd  
Graham, KY 42344

**AI Name:** Ensign-Bickford Aerospace & Defense Co   **AI ID:** 40689   **Activity ID:** ENV20200002  
**County:** Muhlenberg  
**Enforcement Case ID:**  
**Date(s) Violation(s) Observed:** 07/28/2020

This is to advise that you are in violation of the provisions cited below:

**1 Violation Description for Subject Item AIOO0000040689:**

A person who generates a solid waste, as defined in 40 CFR 261.2, must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations. A hazardous waste determination must be made using the steps in 40 CFR 261.11 (a) through (g). [40 CFR 262.11, 401 KAR 39:080 Section 1(1)]

**Description of Non Compliance:**

Waste shipped under the profile named GAP Solvent Waste, MGT-17526 was determined to be reactive (explosive). The established profile identifies only the flammable characteristic.

The waste shipped under the MGT-17526 profile was determined to be pure product. The SDS for Glycidyl Azide Polymer GAP-5527 was obtained by MSHA. The SDS indicates the explosive characteristic of the product.

**The required remedial measure(s), and date(s) to be completed by, are as follows:**

Submit to the Madisonville Regional Office within thirty days of receipt of this notice documentation indicating the facility understands an accurate and timely waste determination representing the waste being managed must be performed.

**2 Violation Description for Subject Item AIOO0000040689():**

A generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, and disposal facility who offers for transport a rejected hazardous waste load, must prepare a Manifest (OMB Control number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A, according to the instructions included in the appendix to this part. [40 CFR 262.20(a)(1), 401 KAR 39:080 Section 1(1)]

**Description of Non Compliance:**

Six drums of reactive Hazardous Waste were transported under manifest # 006060890 GBF. The manifest is missing an applicable waste code in Block 13. D001 is indicated; however, D003 is not indicated as a waste code on the manifest.

**The required remedial measure(s), and date(s) to be completed by, are as follows:**

- 1) Submit to the Madisonville Regional Office within thirty days of receipt of this notice documentation indicating the facility understands all manifests prepared in the future must include all applicable Hazardous Waste codes.

- 2) Ensign Bickford shall contact the TSD facilities that received waste initially managed under the GAP Solvent Waste MGT-17526 profile to ensure those facilities are aware of the hazards and characteristics of the wastes shipped from Ensign Bickford on 3/19/2020. Submit to the Madisonville Regional Office within thirty days of receipt of this notice documentation indicating the TSD facilities were immediately (upon receipt of this notice) notified of the hazards associated with the waste in their possession.

**3 Violation Description for Subject Item AIOO00000406890):**

A large quantity generator must mark or label its containers with the following: (B) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704); [40 CFR 262.17(a)(5)i, 401 KAR 39:080 Section 1(1)]

**Description of Non Compliance:**

According to Mr. Kelley six containers were found under the mezzanine near the reaction vessel during a clean-out event that occurred at the Multiple Reaction Facility in March 2020. According to Mr. Kelley, the drums were not labeled as Hazardous Waste upon their discovery. The drums were later labeled as Hazardous Waste and staged for disposal within the 90 Day Area located at the Multiple Reaction Facility. The drums were not observed during the current inspection, as the drums were transported to the Clean Earth facility in Calvert City on 3/19/2020. One of the six drums remains at the Clean Earth facility. This one drum was observed by the Division of Waste Management on 6/2/2020. This drum is an over-pack drum containing a smaller inner primary container. The outer drum did not have a hazard indicator affixed to it that indicated the reactive (explosive) characteristic of the waste within the drum.

**The required remedial measure(s), and date(s) to be completed by, are as follows:**

Submit to the Madisonville Regional Office within thirty days of receipt of this notice documentation indicating the facility understands all containers of waste must be marked or have a label affixed to them which indicates the hazard associated with the waste within the containers.

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Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

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If you have questions or need further information, write or call the undersigned:

Division of Waste Management  
Madisonville Regional Office  
625 Hospital Dr  
Madisonville, KY 42431  
270-824-7532 (8:00 AM – 4:30 PM)  
Curtis Scott, Environmental Scientist

Issued By:



Curtis Scott, Environmental Scientist

Date: July 31, 2020

How Delivered: Certified Mail Certified/Registered # 7009 0080 00015794 5854